

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Melecio SANCHEZ-Carbajal,

Defendant

Magistrate Docket No. 08-1127

By: *[Signature]*

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008** within the Southern District of California, defendant, **Melecio SANCHEZ-Carbajal**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*[Signature]*  
SIGNATURE OF COMPLAINANT

Ismael A. Canto  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **APRIL 2008**

*[Signature]*  
Barbara L. Major  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Melecio SANCHEZ-Carbajal**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

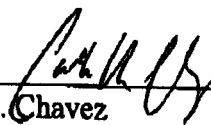
On April 12, 2008, at approximately 4:00 a.m., Border Patrol Agent R. Miranda was conducting line watch operations in the area of Potrero, California. At approximately 4:20 a.m., Agent Miranda responded to an activation of a seismic intrusion device near an area known as "Goatman's." This area is approximately five and a half miles east of the Tecate, California Port of Entry and approximately one mile north of the United States/Mexico International Border.

Agent Miranda arrived to the area and began to follow some foot sign he observed. Agent Miranda followed the foot sign for approximately 40 yards, when he observed a group attempting to hide in the brush. Agent Miranda identified himself as a United States Border Patrol Agent and questioned the individuals regarding their citizenship and nationality. All eight individuals, including one later identified as the defendant **Melecio SANCHEZ-Carbajal**, freely admitted that they were citizens and nationals of Mexico. Agent Miranda questioned the group regarding any immigration documents they might have allowing them to enter or remain in the United States legally. All the individuals, including the defendant, stated that they did not have any immigration documents allowing them to enter or remain in the United States legally. At approximately 4:40 a.m., Agent Miranda placed all eight individuals, including the defendant, under arrest and transported them to the Tecate Processing Center for further processing.

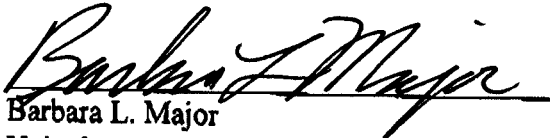
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 15, 2006 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 13, 2008 at 9:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 12, 2008, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Barbara L. Major  
United States Magistrate Judge

4/13/08 at 9:34am  
Date/Time